

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 7, 2003

AMENDED IN ASSEMBLY APRIL 24, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1670**

**Introduced by Assembly Member Kehoe**

February 21, 2003

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An act to amend ~~Sections 60850 and 60852 of, and to add Sections 60860 and 60861~~ *Section 60850 of, and to add Section 60860* to, the Education Code, relating to the high school exit examination.

LEGISLATIVE COUNSEL'S DIGEST

AB 1670, as amended, Kehoe. High school exit examination.

(1) Existing law requires, commencing with the 2003–04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law prohibits the administration of a high school exit examination to a pupil who did not receive adequate notice regarding the examination and defines adequate notice for this purpose.

This bill would deem an adult education student to have received “adequate notice” at the time of enrollment in an adult education program leading to a high school diploma.

(2) ~~Existing law authorizes a school district to defer, for up to 24 calendar months of enrollment in the California public school system,~~

~~the requirement that a pupil pass the high school exit examination if a pupil does not possess sufficient English language skills to be assessed by the examination until the pupil completes 6 months of instruction in reading, writing, and comprehension in the English language.~~

~~This bill would make technical changes to these provisions.~~

~~(3) Existing law authorizes the award of a certificate or document of educational achievement or completion to an individual with exceptional needs who meets certain requirements.~~

This bill would provide that a pupil who is eligible to receive a certificate or document of educational achievement or completion, and is not in a program leading to a diploma of graduation, is not required to take the high school exit examination after a prescribed event, and would authorize the governing board of a school district maintaining a high school to confer to an eligible pupil a certificate or document of educational achievement or completion from the high schools of the district and from special day or evening classes of secondary grades maintained by the district.

~~(4) This bill would authorize a vendor of the high school exit examination to recoup costs associated with excessive ordering of examination materials if the vendor returns the examination results to a school district 10 days of the date on which the orders for repeat examination test materials are due.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 60850 of the Education Code is  
2     amended to read:  
3     60850. (a) The Superintendent of Public Instruction, with the  
4     approval of the State Board of Education, shall develop a high  
5     school exit examination in English language arts and mathematics  
6     in accordance with the statewide academically rigorous content  
7     standards adopted by the State Board of Education pursuant to  
8     Section 60605. To facilitate the development of the examination,  
9     the superintendent shall review any existing high school subject  
10    matter examinations that are linked to, or can be aligned with, the  
11    statewide academically rigorous content standards for English  
12    language arts and mathematics adopted by the State Board of  
13    Education. By October 1, 2000, the State Board of Education shall



1 adopt a high school exit examination that is aligned with statewide  
2 academically rigorous content standards.

3 (b) The Superintendent of Public Instruction, with the approval  
4 of the State Board of Education, shall establish a High School Exit  
5 Examination Standards Panel to assist in the design and  
6 composition of the exit examination and to ensure that the  
7 examination is aligned with statewide academically rigorous  
8 content standards. Members of the panel shall include, but are not  
9 limited to, teachers, administrators, school board members,  
10 parents, and the general public. Members of the panel shall serve  
11 without compensation for a term of two years and shall be  
12 representative of the state's ethnic and cultural diversity and  
13 gender balance. The superintendent shall also make the best effort  
14 to ensure representation of the state's diversity relative to urban,  
15 suburban, and rural areas. The State Department of Education  
16 shall provide staff to the panel.

17 (c) The Superintendent of Public Instruction shall require that  
18 the examination be field tested before actual implementation to  
19 ensure that the examination is free from bias and that its content  
20 is valid and reliable.

21 (d) Before the State Board of Education adopts the exit  
22 examination, the Superintendent of Public Instruction shall submit  
23 the examination to the Statewide Pupil Assessment Review Panel  
24 established pursuant to Section 60606. The panel shall review all  
25 items or questions to ensure that the content of the examination  
26 complies with the requirements of Section 60614.

27 (e) The exit examination prescribed in subdivision (a) shall  
28 conform to the following standards or it may not be required as a  
29 condition of graduation:

30 (1) The examination may not be administered to a pupil who  
31 did not receive adequate notice as provided for in paragraph (1) of  
32 subdivision (f) regarding the test.

33 (2) The examination, regardless of federal financial  
34 participation, shall comply with Title VI of the Civil Rights Act of  
35 1964 (42 U.S.C. Sec. 2000d et seq.), its implementing regulations  
36 (34 C.F.R. Part 100), and the Equal Educational Opportunities Act  
37 of 1974 (20 U.S.C. Sec. 1701).

38 (3) The examination shall have instructional and curricular  
39 validity.

1 (4) The examination shall be scored as a criterion referenced  
2 examination.

3 (f) For purposes of this section, the following terms have the  
4 following meanings:

5 (1) “Accommodations” means any variation in the assessment  
6 environment or process that does not fundamentally alter what the  
7 test measures or affect the comparability of scores.  
8 “Accommodations” may include variations in scheduling,  
9 setting, aids, equipment, and presentation format.

10 (2) “Adequate notice” means that the pupil and his or her  
11 parent or guardian have received written notice, at the  
12 commencement of the pupil’s 9th grade, and each year thereafter  
13 through the annual notification process established pursuant to  
14 Section 48980, or if a transfer pupil, at the time the pupil transfers.  
15 A pupil who has taken the exit examination in the 10th grade is  
16 deemed to have had “adequate notice” as defined in this  
17 paragraph. An adult education student is deemed to have received  
18 “adequate notice” at the time of the enrollment in an adult  
19 education program leading to a high school diploma.

20 (3) “Curricular validity” means that the examination tests for  
21 content found in the instructional textbooks. For the purposes of  
22 this section, any textbook or other instructional material adopted  
23 pursuant to this code and consistent with the state adopted  
24 curriculum frameworks satisfies this definition.

25 (4) “Instructional validity” means that the examination is  
26 consistent with what is expected to be taught. For the purposes of  
27 this section, instruction that is consistent with the state adopted  
28 curriculum frameworks for the subjects tested satisfies this  
29 definition.

30 (5) “Modification” means any variation in the assessment  
31 environment or process that fundamentally alters what the test  
32 measures or affects the comparability of scores.

33 (g) The examination shall be offered to individuals with  
34 exceptional needs, as defined in Section 56026, in accordance with  
35 paragraph (17) of subsection (a) of Section 1412 of Title 20 of the  
36 United States Code and Section 794 and following of Title 29 of  
37 the United States Code. Individuals with exceptional needs shall  
38 be administered the examination with appropriate  
39 accommodations, where necessary.

(h) This chapter does not prohibit a school district from requiring pupils to pass additional exit examinations approved by the governing board of the school district as a condition for graduation.

~~SEC. 2. Section 60852 of the Education Code is amended to read:~~

~~60852. Notwithstanding Section 60851, if a school district determines that a pupil does not possess sufficient English language skills to be assessed pursuant to Section 60850, the district may defer the requirement that the pupil take the high school exit examination for a period of up to 24 calendar months of enrollment in the California public school system until the pupil has completed six months of instruction in reading, writing, and comprehension in the English language. This section does not allow any pupil to receive a diploma of graduation from high school without passing the exit examination, in English, prescribed by Section 60850.~~

~~SEC. 3.~~

~~SEC. 2.~~ Section 60860 is added to the Education Code, to read:

60860. Notwithstanding Section 60851, a pupil who is eligible to receive a certificate or document of educational achievement or completion pursuant to Section 56390, and is not in a program leading to a diploma of graduation, is not required to take the high school exit examination after the census administration in grade 10. The governing board of a school district maintaining a high school may confer to an eligible pupil a certificate or document of educational achievement or completion from the high schools of the district and from special day or evening classes of secondary grades maintained by the district. A pupil eligible for a certificate of completion or achievement is entitled to participate in graduation ceremonies. This section does not allow a pupil to receive a diploma of graduation from high school without passing the exit examination as prescribed by Section 60851.

~~SEC. 4. Section 60861 is added to the Education Code, to read:~~

~~60861. (a) If a vendor of the high school exit examination returns the examination results to a school district within 10 business days of the date on which the orders for any repeat~~

~~examination test materials are due, the vendor may recoup costs associated with excessive ordering of those examination materials as set forth in this section.~~

~~(b) If a school district places an order for examination materials that is excessive, the school district is responsible for the cost of the excess order. The cost of the excess order is the difference between the cost of 80 percent of the examinations ordered and the cost of the total number of examinations that are taken by the eligible pupils and adult education students of the school district that are scored. The cost to a school district for replacement materials or an excess order may not exceed the amount per test booklet and accompanying materials that is paid to the test publisher by the State Department of Education as part of the contract with the test publisher for the current year.~~

~~(1) An answer document that is returned to the vendor explaining the reasons the eligible pupil did not take the test may not be counted in the number of excessive examinations.~~

~~(2) If a vendor chooses to send a small percentage of overage to a school district, the overage may not be counted in the number of excessive examinations.~~

~~(c) If a vendor chooses to estimate order quantities for a school district, the district shall review and adjust the order quantities to reflect the number of tests actually required.~~